

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 78/724,372 MORSE, filed on September 30, 2005 and published 19 December 2006

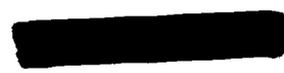
BORGWARNER INC.,]	Opposition No. 91176849
]	
Opposer,]	
]	
v.]	TTAB
]	
MORSE AUTOMOTIVE CORPORATION,]	
]	
Applicant.]	
]	

ANSWER

Applicant Morse Automotive Corporation (herein "Applicant") hereby answers Opposer's Notice of Opposition:

Responding to Opposer's introductory paragraph, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in the introductory paragraph of the Notice of Opposition and therefore denies same. Applicant admits it is the owner of Application Serial No. 78/724372 MORSE.

1. Responding to Par. 1 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 1 and therefore denies same.
2. Responding to Par. 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 2 and therefore denies same.
3. Responding to Par. 3 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 3 and therefore denies same.
4. Responding to Par. 4 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 4 and therefore denies same.



5. Responding to Par. 5 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 5 and therefore denies same.
6. Responding to Par. 6 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 6 and therefore denies same.
7. Responding to Par. 7 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 7 and therefore denies same.
8. Responding to Par. 8 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 8 and therefore denies same.
9. Responding to Par. 9 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 9 and therefore denies same.
10. Responding to Par. 10 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 10 and therefore denies same.
11. Responding to Par. 11 of the Notice of Opposition, Applicant admits it filed SN 78/724372 MORSE for disc brakes, disc brake pads and brake shoes for vehicles but Applicant denies that its action was detrimental to the interests of Opposer.
12. Responding to Par. 12 of the Notice of Opposition, Applicant admits it filed
MORSE FRICTIONMASTER 78/724493
MORSE CERAMIC 78/724436
MORSE ELITE 78/724473
MORSE EXTREME 78/724485
MORSE ULTRA LIFE 78/724497

but Applicant denies that its action was detrimental to the interests of Opposer.

13. Responding to Par. 13 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 13 and therefore denies same.
14. Responding to Par. 14 of the Notice of Opposition, Applicant admits that the wordmark

MORSE is identical to the wordmark MORSE, applicant denies that MORSE is identical to MORSE - GEMINI, applicant denies that applicant's mark for its goods and services is in violation to Section 2(d) of the Trademark Act vis a vis recited marks of BorgWarner, and applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Par. 14 and therefore denies same.

- 15. Responding to Par. 15 of the Notice of Opposition, Applicant denies its goods are so close to the goods of Opposer that the public is likely to be confused, to be deceived, or to assume erroneously that Applicant's goods are those of Opposer or that Applicant is in some way connected with, sponsored by, or affiliated with Opposer, or that Applicant caused Opposer irreparable damage.
- 16. Responding to Par. 16 of the Notice of Opposition, Applicant admits that Applicant is not affiliated or connected with or endorsed or sponsored by Opposer, and Opposer has not approved any of the goods offered or sold by Applicant or intended to be sold by Applicant under the MORSE mark.
- 17. Responding to Par. 17 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 17 and therefore denies same.
- 18. Responding to Par. 18 of the Notice of Opposition, Applicant denies same.
- 19. Responding to Par. 19 of the Notice of Opposition, Applicant denies same.
- 20. Responding to Par. 20 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 20 and therefore denies same.
- 21. Responding to Par. 21 of the Notice of Opposition, MORSE FRICTIONMASTER is not relevant to this case and therefore denies same.
- 22. Responding to Par. 22 of the Notice of Opposition, Applicant denies same.
- 23. Responding to Par. 23 of the Notice of Opposition, Applicant denies same.
- 24. Responding to Par. 24 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Par. 24 and therefore denies same.

Applicant prays that the Opposition will be dismissed and the mark registered.

Dated this 29th day of May 2007.

MORSE AUTOMOTIVE CORPORATION

James Michael Faier
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CERTIFICATE OF SERVICE

I, James Michael Faier, an attorney, certify that I served a copy of this document on counsel for opposers on 29 May 2007 by regular US mail, postage prepaid, to:

Charles R. Schaub, Esq.
Emch, Schaffer, Schaub & Porcello, Co., L.P.A.
One SeaGate, Suite 1980
P.O. Box 916
Toledo, OH 43697-0916

by:

James Michael Faier
James Michael Faier

signed:

29 January 2007

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Name of Filer: James Michael Faier
SN 78/724493 MORSE FRICTIONMASTER
Type of paper: Answer

I hereby certify that the above identified correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

on 29 May 2007 (mailing date).

James Michael Faier *James Michael Faier*
29 May 2007 (signature date)